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ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT
 DISTRICT OF OREGON
 PORTLAND DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
 COMMISSION,

Plaintiff,

vs.

SCRIBE-X, LLC, a/b/n SCRIBE-X NORTHWEST,

Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, female (pregnancy), and to provide appropriate relief to Brittany Frisby, who was adversely affected by such practices. The Equal Employment Opportunity Commission (EEOC or Commission) alleges that Defendant Scribe-X, LLC operating under the assumed business name Scribe-X Northwest, failed to hire Ms. Frisby for employment because of sex, female (pregnancy). In addition, EEOC alleges that Defendant failed to preserve records relevant to whether unlawful practices occurred.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) (Title VII), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Oregon.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

ADMINISTRATIVE PROCEDURES

6. More than thirty (30) days prior to the institution of this lawsuit, Charging Party Brittany Frisby filed Charge No. 551-2016-00704C with the EEOC alleging violations of Title VII by Defendant.

7. On August 1, 2017, the Commission issued to Defendant a Letter of Determination as to the above charge finding reasonable cause to believe Title VII was violated and inviting Defendant to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and to provide appropriate relief.

8. The Commission engaged in communications with Defendant to provide Defendant the opportunity to remedy the discriminatory practices described in the Letter of Determination.

9. On September 14, 2017, the Commission issued to Defendant a Notice of Failure of Conciliation advising that the Commission was unable to secure from Defendant a conciliation agreement acceptable to the Commission.

10. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

11. Since at least December 21, 2015, Defendant has engaged in unlawful employment practices at its Portland, Oregon facility, in violation of §§703(a) and 709(c) of Title VII, 42 U.S.C. § 2000e-2(a) and -8(c). Defendant rescinded a job offer to Ms. Frisby based upon sex and pregnancy and failed to preserve records relating to Ms. Frisby's application and the failure to hire her.

12. Defendant gave Brittany Frisby a written offer for a medical scribe position on or about December 31, 2015. Ms. Frisby accepted the job offer, successfully completed all the pre-hire screening procedures, was added to the Defendant's office e-mail system and was scheduled to start her employment on January 11, 2016. On or about January 4, 2016, Ms. Frisby notified Defendant she was pregnant and would need maternity leave several months later, in April 2016. On January 8, 2016, Defendant, through its co-owner and CEO, called Ms. Frisby and rescinded the job offer. Defendant told Ms. Frisby that had it known of her pregnancy during the hiring process, it would not have hired her.

13. Since at least December 21, 2015, Defendant has failed to preserve records relevant to the determination of whether unlawful employment practices have been or are being committed, in violation of Section 709(c) of Title VII, 42 U.S.C. § 2000e-8(c). Defendant failed to maintain records, including notes by hiring managers or supervisors, related to Ms. Frisby's application and interviews of her.

14. The effect of the practices complained of in paragraphs 11 through 13 above has been to deprive Ms. Frisby of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex and pregnancy.

16. The unlawful employment practices complained of above in paragraphs 11 through 13 were done with malice or with reckless indifference to the federally protected rights of Brittany Frisby.

Wherefore, the Commission respectfully requests that this Court:

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.

D. Order Defendant to make whole Brittany Frisby by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 11 through 13 above, including past and future out-of-pocket losses, in amounts to be determined at trial.

E. Order Defendant to make whole Brittany Frisby by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in

paragraphs 11 through 13 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay Brittany Frisby punitive damages for its malicious and reckless conduct, as described in paragraphs 11 through 13 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 27th day of September, 2017.

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